

Reissue Application No:

Patent No.: **5,765,398**
Filed: **Nov. 4, 1996**
Granted: **Jun. 16, 1998**
Patentee: **Vahran Bardisbanyan**
Assignee: **Marquesa, Inc.**
Title: ***Method and Apparatus for
Assembling Stones in Jewelry***
Attorney Docket No.: **560.027**

Commissioner for Patents and Trademarks
Washington, D.C. 20231

REISSUE APPLICATION BY THE INVENTOR

Sir:

Kindly reissue the above identified patent with claims including original claims 1- 27, as issued in U.S. Patent No. 5,765,398 and, in addition, include newly added claims 28 - 32.

REMARKS

Applicant has requested a reissue patent in that the patent, as originally issued, is partially defective since the claims claimed less than applicant was entitled to in view of the prior art. More specifically, all of the claims, as issued, indicated that the surface of the jewelry item has a longer and a shorter dimension and that the gemstone has two opposite ends in the general direction of the longer dimension. Therefore, the issued claims required for the gemstone to be set in the direction of the longer dimension. Such limitation was not required by the prior art and Applicant's inventive contribution was broader than embodied in the issued claims. Therefore, the above mentioned limitations were eliminated from the claims 28-32, submitted with this application.

Applicant has requested that claims 28 -32 be added to the claims as originally issued and that a new patent issue with all claims 1 - 32.

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REISSUE APPLICATION DECLARATION BY THE INVENTOR

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are stated below next to my name.

I believe I am the original, first and sole inventor of the subject matter which is described and claimed in U.S. Patent Number 5,765,398, granted June 16, 1998, and for which a reissue patent is sought on the invention entitled Method and Apparatus for Assembling Stones in Jewelry, the specification of which

is attached hereto

was filed on _____ as reissue application number _____ /
and was amended on _____

I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56.

I verily believe the original patent to be wholly or partly inoperative or invalid, for the reasons described below.

by reason of a defective specification or drawing.
 by reason of the patentee claiming more or less than he had the right to claim in the patent.
 by reason of other errors

(REISSUE APPLICATION DECLARATION BY THE INVENTOR, page 2)

At least one error upon which reissue is based is described as follows:

Specifically, Claims 28-32 are now added and represent changes from the original claims 1- 27. The new claims do not have the limitations that the surface of the jewelry item has a longer and a shorter dimension and that the gemstone has two opposite ends in the general direction of the longer dimension. Therefore, the new claims eliminate the limitation of the gemstone being set in the direction of the longer dimension. The prior art does not require that limitation. I desire to indicate herein that soon after the patent issued I first recognized that the original claims included the unnecessary limitation.

During the time of the patent's prosecution, I had been actively involved in seeking to commercialize the subject matter of the patent. In or about September-October of 1999, i.e., after the patent's issuance and while carefully reviewing the issued patent deed to determine scope of protection vis a vis possible infringers and potential licensees, I contacted my patent attorneys after reading the claim language. This was a result of trying to determine precisely the scope of the invention that I was granted by the U.S. Patent Office. I then first recognized the claims included the limitations that the surface of the jewelry item has a longer and a shorter dimension and that the gemstone has two opposite ends in the general direction of the longer dimension. I then inquired of my patent attorneys as to why this limitation was included. We discussed the relevant prior art and we jointly recognized that the limitations were unnecessarily restrictive and not required by the prior art. We discussed various options and it was then concluded, mutually, that a reissue application should be filed seeking to eliminate that limitation since it was not required by the prior art and since my inventive contribution was broader than embodied in the issued claims.

I believe that my invention is more broadly defined in Claims 28-32.

All errors corrected in this reissue application arose without any deceptive intention on the part of the applicant.

(REISSUE APPLICATION DECLARATION BY THE INVENTOR, page 3)

As a named inventor, I hereby appoint the following attorneys and/or agents to prosecute this application and transact all business in the Patent and Trademark Office connected herewith.

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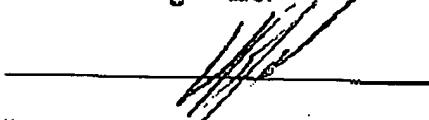
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I hereby declare that all statements made herein of my knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application, any patent issued thereon, or any patent to which this declaration is directed.

Full name of sole or first inventor:
Vahram Bardisbanyan

Inventor's Signature:



Date:

3/17/00

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If the Examiner has any questions regarding this reissue application, the Examiner is encouraged to call the undersigned attorney for further discussion.

Respectfully Submitted

Anna Vishnev

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